

1984 WL 249963 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 15, 1984

*1 Mary R. Miller
Administrator
Charleston County Board of Voter Registration
Room 125
The Center
Marion Square
Charleston, South Carolina 29403

Dear Ms. Miller:

By your letter of August 1, 1984, you have asked this Office for an opinion as to the deadline for candidates to file petitions for nomination for positions on the governing bodies of James Island and St. Andrews Public Service Districts. Based on the reasoning of our opinion dated August 8, 1984 (copy enclosed), we would advise that the filing date would be not later than noon on the forty-fifth day prior to the date of holding the election. This year, the forty-fifth day would be September 22.

[Section 7-13-350, Code of Laws of South Carolina \(1976\)](#), was amended by Sections 3 and 4 of Act No. 263, 1984 Acts and Joint Resolutions. In particular, Section 4 of the Act added [Section 7-13-351 to the Code](#), to provide a schedule according to which petition candidates must submit their petitions for nomination, the date for filing depending upon which office for which the candidate is filing. Candidates for public service or special purpose districts are not covered specifically by [Section 7-13-351](#).

As may be determined by examining the several acts pertaining to the James Island and St. Andrews Public Service Districts, each district is comprised of a less than county-wide geographic area, much as the constituent school boards of Charleston County are. Thus, just as the trustees of the constituent school boards exercise less than county-wide jurisdiction, so would members of the governing bodies of special purpose or public service districts. Therefore, that portion of new [Section 7-13-351](#) pertaining to county officers most probably would not be applicable to members of the governing bodies of the James Island and St. Andrews Public Service Districts.

Because we are unable to locate any local law governing the submission of petitions by candidates for these district governing bodies, Cf. Act No. 963 of 1970 pertaining to the Charleston County School Board and constituent school districts, it would appear that the public service district candidates should follow the guidelines for candidates for municipal offices.¹ As noted in the opinion of August 8, the term 'municipal' was defined by Section 5-F of Act No. 858, 1950 Acts and Joint Resolutions: 'The terms 'municipal' and 'municipalities' as used in this section shall be construed to include school districts, public service districts, and like political subdivisions.' (Emphasis added.) As noted in the August 8 opinion, Acts No. 858 of 1950 and No. 263 of 1984 are in pari materia and must be construed harmoniously. [Raggio v. Woodmen of the World Life Insurance Society](#), 228 S.C. 340, 90 S.E.2d 212 (1955). Furthermore, absent ambiguity, words must be given their plain and ordinary meaning. [Worthington v. Belcher](#), 274 S.C. 366, 264 S.E.2d 148 (1980). It would therefore appear that the provisions of [Section 7-13-351](#) pertaining to municipalities would apply in this instance, which section provides in part that

*2 [t]he petition of any candidate in any special or municipal election must be submitted to the authority charged with printing the ballot for those offices not later than noon, on the forty-fifth day prior to the date of the holding of the election, or if the forty-fifth day falls on Sunday, by not later than twelve o'clock noon on the following Monday. . . .

This year, the forty-fifty day prior to the date of the general election, which is also the election date for the offices in question, would be September 22.

Just as we advised with respect to the election of the trustees of the various school boards in Charleston County, again we would advise that this opinion is not free from doubt, since the governing bodies of special purpose or public service districts are not specifically provided for by Act No. 263 of 1984. Legislative clarification would be particularly helpful to be certain that the legislative intent is being followed. Due to the uncertainty of today's opinion, we would limit this opinion strictly to the two public service districts under consideration.

In conclusion, considering your question and the reasoning of the opinion of August 8, it is our opinion that petition candidates for the governing bodies of the two public service districts in question should file their nominating petitions with the appropriate authority by noon on September 22. If you should need clarification or additional information, please advise this Office.

Sincerely,

Patricia D. Petway
Assistant Attorney General

Footnotes

- 1 [Section 7-11-71 of the Code](#) provides for nomination of these candidates by petition but has no bearing on the deadline for filing such petitions.

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